

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEXANDER SINCLAIR,

No. 2:24-cv-00038-EFB (HC)

Petitioner,

v.

LINDA CLARK, et al.,

ORDER AND FINDINGS AND
RECOMMENDATIONS

Respondents.

Petitioner, a county jail prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 26, 2024, the court ordered petitioner to pay the filing fee or file an application to proceed in forma pauperis within 30 days. ECF No. 4. The court further dismissed the petition as violating Rule 8 of the Federal Rules of Civil Procedure and Rule 2(c) of the Rules Governing § 2254 Cases in the U.S. District Courts with leave to amend within 30 days. *Id.* Plaintiff has not paid the fee, filed an in forma pauperis application, or filed an amended petition, and the time for doing so has passed.

Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district judge to this action. It is further RECOMMENDED that the case be dismissed without prejudice for failure to respond to the court's August 26, 2024 order and failure to state a cognizable claim.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
6 objections shall be served and filed within fourteen days after service of the objections. The
7 parties are advised that failure to file objections within the specified time may waive the right to
8 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
9 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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11 Dated: March 26, 2025

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE